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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,504	07/17/2006	Taizo Michida	4-497-003	8830
23429 7590 08/19/2008 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
NWUGO, OJIAKO K				
ART UNIT		PAPER NUMBER		
2612				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/564,504

**Applicant(s)**

MICHIDA, TAIZO

**Examiner**

OJIAKO NWUGO

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) 1-5, 7, 8 and 10-20 is/are rejected.  
7) ☐ Claim(s) 6 and 9 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 05/20/2008 have been fully considered but they are not persuasive. In the treatment of **claim 1, 17, 18** in the action of 02/20/2008, Examiner highlights that Urbanczyk discloses in col. 2 lines 35-42 in light of col. 1 lines 49-51 the suppression of the alert indication upon closing of zipper 11. This reads "are moved to", the closing of zipper being necessarily a movement.

Further as stated in previous action Urbanczyk does not disclose the use of a bell with clapper as the alert device to indicate the opening of an enclosure. Caraba discloses in fig. 2 and col. 4 lines 30-41 discloses bells 13 and 14 that is rung by clapper 18 door is opened.

Furthermore the present action will be a non-final action because **claims 19 and 20** were not treated on the initial action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 1-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Felix Urbanczyk US Patent 4755802 in view of Budrick S. Caraba US Patent 5022340 (Hereafter referred to Urbanczyk and Caraba)

Regarding **claim 1**, Urbanczyk discloses in fig 1 lines 23-27 discloses a handbag that sounds and alarm when zipper 11 of the hand bag is opened. Further Urbanczyk discloses in col. 2 lines 35-42 in light of col. 1 lines 49-51 the suppression of the alert indication upon closing of zipper 11. However it does not disclose the use of a bell with clapper as the alert device to indicate the opening of an enclosure. Caraba discloses in fig. 2 and col. 4 lines 30-41 discloses bells 13 and 14 that is rung by clapper 18 door is opened.

It would have been obvious for one of ordinary skill at the time of the invention to use bells with clapper of Caraba in Urbanczyk to indicate opening of enclosures as taught by Caraba.

Regarding **claim 2** Caraba discloses in fig. 2 and col. 4 lines 30-41 discloses bells 13 and 14 that is rung by clapper 18 door is opened.

Regarding **Claim 19**, as treated in **claim 1** Urbanczyk discloses a zipper 11.

Regarding **claim 20**, Caraba discloses in fig. 3 and col. 4 lines 45-47 a stop 27 used stop bell from ringing.

Regarding **Claim 3** Caraba discloses in fig. 2 and col. 4 lines 30-41 discloses bells 13 and 14 that is rung by clapper 18 door is opened. As such the ringing of the bell is suppressed when sliding is closed. The door and its frame read on "first and second elements are at or adjacent one another".

Regarding **Claim 4**, Urbanczyk discloses in fig 1 lines 23-27 discloses a handbag with zipper 11.

Regarding **Claim 5**, Urbanczyk discloses in fig 1 lines 23-27 discloses a handbag with zipper 11.

Regarding **Claim 7**, Urbanczyk and Caraba discloses all the limitations of **claim 7** as applied to **claim 1** except the use mechanical sound suppression. Caraba discloses in fig. 3 and col. 4 lines 45-47 a stop 27 used stop bell from ringing.

Regarding **Claim 8**, Urbanczyk and Caraba discloses all the limitations of **claim 8** as applied to **claim 1** including Urbanczyk in col. 2 lines 31-34 discloses a visual and audible alarm.

Regarding **Claim 10**, Urbanczyk and Caraba discloses all the limitations of **claim 10** as applied to **claim 1** including Urbanczyk discloses fig4 lines 49-51 discloses contacts 35 and 35 that are magnets.

Regarding **Claim 11**, Urbanczyk and Caraba discloses all the limitations of **claim 11** as applied to **claim 1** including Urbanczyk discloses lines 53-55 discloses the use of mechanical snap to contacts together.

Regarding **Claim 12**, Urbanczyk and Caraba discloses all the limitations of **claim 12** as applied to **claim 1** including Urbanczyk discloses fig 1 lines 23-27 discloses a handbag that sounds and alarm when zipper 11 of the hand bag is opened. The zipper 11 having a pull tab 16 which reads on "slider".

Regarding **Claim 13**, Urbanczyk and Caraba discloses all the limitations of **claim 13** as applied to **claim 1** including Urbanczyk discloses fig. 1 lines 23-27 discloses a handbag that sounds and alarm when zipper 11 of the hand bag is opened. The use of one or two sliders is a matter of design choice.

Regarding **Claim 14**, Urbanczyk and Caraba discloses all the limitations of **claim 14** as applied to **claim 1** including Urbanczyk discloses fig. 1 lines 23-27 discloses a handbag that sounds and alarm when zipper 11 of the hand bag is opened. Urbanczyk does not disclose an element in the pull tab with an alarm device. The location of an alarm device is matter of design choice.

Regarding **Claim 15**, Urbanczyk and Caraba discloses all the limitations of **claim 15** as applied to **claim 1** including Urbanczyk discloses fig. 1 lines 23-27 discloses a handbag that sounds and alarm when zipper 11.

Regarding **Claim 16**, Urbanczyk and Caraba discloses all the limitations of **claim 16** as applied to **claim 1** including Urbanczyk discloses fig. 1 lines 23-27 discloses a handbag that sounds and alarm when zipper 11.

Regarding **claim17**, Urbanczyk discloses in fig 1 lines 23-27 discloses a handbag that sounds and alarm when zipper 11 of the hand bag is opened. Further Urbanczyk discloses in col. 2 lines 35-42 in light of col. 1 lines 49-51the suppression of the alert indication upon closing of zipper 11.However it does not discloses the use of a bell with clapper as the alert device to indicate the opening of an enclosure. Caraba discloses in fig. 2 and col. 4 lines 30-41 discloses bells 13 and 14 that is rung by clapper 18 door is opened.

It would have been obvious for one of ordinary skill at the time of the invention to use bells with clapper of Caraba in Urbanczyk to indicate opening of enclosures as taught by Caraba.

***Allowable Subject Matter***

**Claims 6 and 9** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJIAKO NWUGO whose telephone number is (571)272-9755. The examiner can normally be reached on M - F 7.30am - 5.00pm EST, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2612

OKN

/Jeff Hofsass/

Supervisory Patent Examiner, Art Unit 2612